

EXECUTIVE OFFICER SUMMARY REPORT
November 9, 2005

ITEM: 7

SUBJECT: Basin Plan Amendment: Amendment to the *Water Quality Control Plan for the San Diego Basin (9)* to incorporate authorization for compliance time schedules in National Pollutant Discharge Elimination System requirements (Basin Plan Issue No. 6). ***The Board previously received public comments on the Basin Plan amendment. This item is for Board adoption only.*** (Tentative Resolution R9-2005-0238). (Linda Pardy).

PURPOSE: Deliberate and consider adoption of the Tentative Resolution (Supporting Document 1) to amend the *Water Quality Control Plan for the San Diego Basin (9)* (Basin Plan) to incorporate authorization for compliance time schedules in Waste Discharge Requirements that implement federal NPDES regulations.

PUBLIC NOTICE: Notice of this public meeting was provided in the Agenda Notice for the Wednesday, November 9, 2005 meeting of the San Diego Water Board.

DISCUSSION: This amendment provides the authorization for inclusion of compliance time schedules in NPDES requirements. Explicit authorization in the Basin Plan is required by the 1990 *Starkist-Caribe* decision of the USEPA administrator. The USEPA has strongly recommended that the Regional Water Boards include such authorization in their Basin Plans. Without this authorization, the San Diego Water Board can only issue compliance time schedules in enforcement orders.

The public hearing on this amendment was held on October 12, 2005, and the public comment period was closed at the end of the hearing. Based on public comments received and internal review, the Technical Report (Supporting Document 2) and Basin Plan amendment were revised, and a Response to Comments Report Supporting Document 2, Appendix 3) was prepared.

Changes to the Basin Plan documents include clarification and/or a description of: (1) the benefit to dischargers and the San Diego Water Board of issuing compliance time schedule in NPDES requirements; (2) the time frame limitations for authorization of

compliance time schedules in NPDES; (3) the effective date of the TMDL compliance time schedule provision in the State *Policy for Implementation of Toxics Standard for Inland Surface Waters, Enclosed Bays, and Estuaries of California* (SIP) (May 18, 2005); (4) the situations in which new knowledge about the discharge can result in new or more stringent WQBELS; (5) adding the provision to the amendment that the an additional time extension of up to five years can be granted under specific circumstances; and (6) that compliance time schedules to meet WQBELs and receiving water limitations that implement California Toxics Rule criteria will be limited by the provisions of SIP.

KEY ISSUES: This Basin Plan amendment is not controversial. The amendment provides the authorization, required by the *Starkist-Caribe* decision of the USEPA, for inclusion of compliance time schedules in NPDES requirements.

LEGAL CONCERNS: None.

SUPPORTING DOCUMENTS:

1. Tentative Resolution No. R9-2005-0238 and Attachment A, Basin Plan Amendment
2. Technical Report entitled ‘Amendment to the *Water Quality Control Plan for the San Diego Basin* (9) to Incorporate Authorization for Compliance Time Schedules in National Pollutant Discharge Elimination System Requirements’ dated November 9, 2005.
 - Appendix 1. Tentative Resolution No. R9-2005-0238 and Attachment A, Basin Plan Amendment
 - Appendix 2. Environmental Checklist form.
 - Appendix 3. Response to Comments.

RECOMMENDATION: Adopt Tentative Resolution No. R9-2005-0238.